REMARKS

Summary of Office Communication and Examiner Interview

In the Office Communication dated October 14, 2008, the Examiner asserted that "[t]he amendment filed on 28 July 2008 canceling all claimed subject matter drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive." (Paper 20081009 at 1). The Examiner further asserted that "[a]ccording to Applicants' specification (e.g. Figure 4 and sequence listing), the 6 CDR sequences for the elected MSR-7 antibody are L-CDR1=SEQ ID NO: 143, L-CDR2=SEQ ID NO: 144, L-CDR3=SEQ ID NO: 18, H-CDR1=SEQ ID NO: 146, H-CDR2=SEQ ID NO: 147 and H-CDR3=SEQ ID NO: 24." (*Id.*) The Examiner concluded, "[t]hus, newly amended claim 1 and newly presented claim 41 (as of amendment dated 02 July 2008 [sic]) and dependent claims are directed to an invention(s) that is independent or distinct from the invention originally claimed because none of the claims encompass the CDR sequences of the elected MSR-7 species." (*Id.*)

On December 3, 2008, a telephonic Examiner's Interview was conducted between Stephen Haracz and Jihong Zang, Applicants' attorneys, and Examiners Emch and Kemmerer. The purpose of the interview was to clarify for the Examiners that the amended claims are drawn to the elected invention and thus are responsive. We thank the Examiners for their participation and stated understanding of the explanation. During the Interview, issues raised in the Office Communication dated October 14, 2008 were discussed. As requested by the Examiners, the explanations are hereby memorialized and set forth below.

The amended claims encompass the CDR sequences of MSR-7

As explained during the interview, amended claim 1 recites the six CDR sequences of MSR-7 antibody; the confusion is due to the fact that the SEQ ID NOs. recited in claim 1 are different from those noted by the Examiner. The sequence listing contains redundant SEQ ID NOs. for the same sequence. In an effort to simplify the claim, we omitted the redundant SEQ ID NOs., including, unfortunately, the particular SEQ ID NOs. recited by the Examiner in the Office Communication. However, the SEQ ID NOs. of the MSR-7 CDRs referenced by the Examiner set forth the same amino acids as the SEQ ID NOs. listed in claim 1, as shown in the chart below.

	SEQ ID NO. cited by the Examiner	Corresponding SEQ ID NO. listed in Claim 1	Sequence
L-CDR1	143	96	RASQSVSSSYLA
L-CDR2	144	97	GASSRAT
L-CDR3	18	18	FQLYSDPF
H-CDR1	146	99	GFTFSSYAMS
H-CDR2	147	100	AISGSGGSTYYADSVKG
H-CDR3	24	24	GKGNTHKPYGYVRYFDV

For a complete listing of the redundant SEQ ID NOs, the Examiner is referred to the chart submitted as Exhibit 1 of the Response mailed on July 24, 2008. The chart shows the sequences of the CDRs in columns 2, 4, 6, 8, 10, and 12 as well as the corresponding SEQ ID NOs. in columns 3, 5, 7, 9, 11, and 13.

In summary, the amino acid sequences of the six CDRs of MSR-7 are recited in claim 1, and they have already been searched and examined as stated in the

Office Communication. (Paper 20081009 at 1). Because the SEQ ID NOs. of the CDRs of the elected MSR-7 antibody are included in the amended claim 1, it is respectfully submitted that the Response mailed on July 24, 2008 is responsive.

Claims 41-49 closely correspond to the subject matter already searched

As we explained and as the Examiners acknowledged during the interview, the restriction requirement was understood to embrace a family of MSR-7 antibodies rather than a single parental antibody. Claim 41 was presented because MSR7.9.H.7 is an affinity matured version of MSR-7, having substantial structural identity to MSR-7.

Because MSR7.9.H.7 derives from MSR-7, the CDR sequences of the two antibodies are very similar. In fact, four of the six CDR sequences of MSR7.9.H.7 (L-CDR1, L-CDR2, H-CDR1, and H-CDR3) are identical to that of MSR-7 antibody, which has already been searched. The sequences of the two related antibodies are further compared in the chart below.

	MSR-7	MSR7.9.H.7
L-CDR1	RASQSVSSSYLA	same
L-CDR2	GASSRAT	same
L-CDR3	FQLYSDPF	LQIYNMPI
H-CDR1	GFTFSSYAMS	same
H-CDR2	AISGSGGSTYYADSVKG	AINASGTRTYYADSVKG
H-CDR3	GKGNTHKPYGYVRYFDV	same

As shown above, the similarity between MSR-7 and MSR7.9.H.7 goes beyond the 4 identical CDR sequences. A fifth CDR, H-CDR2, shares 13 of 17 residues (consensus sequence: AIXXSGXXTYYADSVKG).

Thus, four of the six CDR sequences recited in claims 41-49 have already been searched and examined on the merits. Further searches are not believed necessary to continue with claims 41-49. Therefore, we respectfully request that claims 41-49, which list the CDRs of MSR7.9.H.7, be considered because they closely correspond to the MSR-7, whose CDR sequences have already been searched and examined.

For the reasons set forth above, examination and allowance of the amended claims are respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 13, 2009.

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Respectfully submitted,

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